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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,250	06/27/2002	Marino Sanchez Mina	GES 201	5035

7590
Horst M Kasper
13 Forest Drive
Warren, NJ 07059

12/10/2003

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,250

Applicant(s)

MINA, MARINO SANCHEZ

Examiner

Basil Katcheves

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This supplemental action is based on the supplemental amendment of paper no. 10 and the Letter to the Draftsman of paper no. 11 which were entered after the final rejection of paper no. 9 was mailed.

Drawings

The new drawings of paper no. 11 (figs. 6-11, 13 and 15) are objected to because they contain text. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,810,337 to Pollard as in the rejection of paper no. 7.

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,081,941 to Van Ausdall.

Regarding claim 12, Van Ausdall discloses an internal metallic structure with a planar face enclosed in a plastic envelope (fig. 3).

Regarding claim 13, Van Ausdall discloses the structure as having a channel shape (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,081,941 to Van Ausdall.

Regarding claims 3 and 9, Van Ausdall discloses an "I" beam enclosed by a plastic surface (fig. 1: 15), a laminate (fig. 7: 63) parallel to the "I" beam surface and a bolt passing through the laminate (fig. 7: 68). However, Van Ausdall does not disclose the laminate as being covered by the plastic outer sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Ausdall by enclosing the laminate piece as the "I" beam is enclosed, in order to prevent any corrosion or deterioration due to weather.

Regarding claim 4, Van Ausdall discloses a form of beams (figs. 1-7).

Regarding claim 5, Van Ausdall discloses a channel shape (fig. 6).

Regarding claim 6, Van Ausdall discloses the component as assuming the form of a beam (fig. 1).

Regarding claim 7, Van Ausdall discloses the component as assuming the form of a structure.

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Claim 8 is rejected for reasons cited in the rejection of claim 3 above.

However, Van Ausdall discloses two laminates (fig. 7: 63) but does not disclose them as being above and below the "I" beam. They are disclosed as being between the "I" beam ends. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Ausdall by putting the laminates on the outer sides of the "I" beam, to better protect the "I" beam from corrosion or damage from construction components.

Regarding claim 10, Van Ausdall discloses a "T" shape (fig. 3).

Regarding claim 11, Van Ausdall discloses the surrounding plastic as increasing in width towards the top of the "T" (fig. 3: 25 & 23).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,081,941 to Van Ausdall in view of U.S. Patent No. 4,461,134 to Lowe.

Regarding claim 14, Van Ausdall discloses an "I" or double "T" shaped beam. Ausdall does not disclose a "Z" shaped beam. Lowe discloses a "Z" shaped beam (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Ausdall by using a "Z" shaped beam, as disclosed by Lowe, to help facilitate stacking of the beams before they are used in assembly (Lowe, abstract).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,081,941 to Van Ausdall in view of U.S. Patent No. 4,981,004 to Weber.

Regarding claim 15, Van Ausdall discloses an "I" or double "T" shaped beam. Ausdall does not disclose a rectangular shaped beam. Weber discloses a rectangular beam (fig. 2: 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Van Ausdall by using a rectangular beam, as disclosed by Weber, in order to increase the strength of the beam from all four sides.

Regarding claim 16, Van Ausdall discloses the basic claim structure of the instant application but does not disclose specific resistance dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Response to Arguments

Applicant's arguments filed 7/7/03 have been fully considered but they are not persuasive. Applicant argues the Pollard reference discloses the plastic on the inside of the structure and thus, does not meet the limitations of claim 1. However, claim 1 calls for an internal metallic structure enveloped by plastic. Pollard clearly discloses an internal metal structure (fig. 1: 26) enveloped by plastic as shown in fig. 1.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

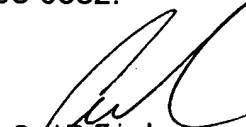
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK BK

11/13/03


Carl D. Friedman
Supervisory Patent Examiner
Group 3600